

that the Senate is organized and ready to transact business, appeared at the bar of the Senate, and Senator Harris, for the committee, notified the President pro tempore and the Senate that the committee had performed the duty assigned it.

#### Governor Notified

The committee to notify the Governor that the Senate is organized and ready to transact business appeared at the bar of the Senate, and Senator Bell, for the committee, notified the President pro tempore and the Senate that the committee had performed the duty assigned it.

#### Senate Assignment Committee

Pursuant to the provisions of S. R. No. 1, the President pro tempore announced the appointment of the following Senate Assignment Committee:

Senators Aikin, Morris, Strauss, Harris and Carney.

#### Senate Resolution 2

Senator Strauss offered the following resolution:

Whereas, The Texas History Class of Sacred Heart School of Hallettsville is on an educational tour of the City of Austin, and

Whereas, They are accompanied by their teacher Sister M. Bernadine and their sponsors Mrs. G. H. Gerdes and Mrs. Gus J. Strauss, and Rev. Clarence Leopold, and

Whereas, This fine group of young future citizens is now present in the gallery to witness the formal opening of this momentous Special Session,

Be It Resolved, By the Senate, that we bid them a hearty welcome and extend to them the privileges of the floor for the day.

Be it further resolved, That a copy of this resolution be forwarded to each member of this group.

The resolution was read and was adopted.

#### Appointments on Standing Committees

The President pro tempore announced the appointment of Senator Nokes, the Senator from Navarro, to membership on the following standing committees: Banking, Commerce and

Manufactures, Contingent Expense, Education, Finance, Game and Fish, Military and Veterans Affairs, Rules, and State Affairs.

The President pro tempore also announced the appointment of Senator Carney as chairman and Senator Lane as vice-chairman to the Committee on Finance.

#### Adjournment

On motion of Senator Morris, the Senate at 12:30 o'clock p.m., adjourned until 11:30 o'clock a.m. tomorrow.

#### SECOND DAY

(Wednesday, February 1, 1950)

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Akin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Nokes
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

#### Absent—Excused

Lock

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

#### Leave of Absence Granted

Senator Lock was granted leave of absence for today on account of important business on motion of Senator Moffett.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Carney:

S. B. No. 1, A Bill to be entitled

"An Act making an appropriation to the Board for Texas State Hospitals and Special Schools; providing such appropriations may be used to supplement current institutional appropriations and declaring an emergency."

To the Committee on Finance.

By Senator Carney:

S. B. No. 2, A Bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the State Hospitals and Special Schools of the State of Texas for the year ending August 31, 1951; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; providing a saving clause; and declaring an emergency."

To the Committee on Finance.

By Senator Carney:

S. B. No. 3, A Bill to be entitled "An Act making appropriations for the support, maintenance, and improvement of the Colored Girls Training School at Brady, Texas, the Gainesville State School for Girls, Gainesville, Texas, and the Gatesville State School for Boys, Gatesville, Texas, for the fiscal year beginning September 1, 1950, and ending August 31, 1951; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; providing a saving clause; and declaring an emergency."

To the Committee on Finance.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 1, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 1, Providing for a joint session of the House and Senate for the purpose of hearing a message from His Excellency, the Governor of Texas, to the special session of the 51st Legislature.

H. C. R. No. 1, Providing for a joint session of the Legislature at 12 o'clock noon on Wednesday, Febru-

ary 1, 1950, for the purpose of hearing a message by His Excellency, the Honorable Allan Shivers, Governor of Texas.

H. C. R. No. 2, Relative to per diem and mileage.

H. C. R. No. 3, Relative to providing for parking space for automobiles of Members of House and Senate.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Concurrent Resolution 3

Senator Aikin offered the following resolution:

S. C. R. No. 3, Providing for a joint session to hear an address by Honorable Stuart Symington.

Whereas, The Honorable Stuart Symington, Secretary of the Air Force, is now a visitor in the State of Texas for the purpose of inspecting Air Force Training Fields, and is to have conferred upon him by Baylor University the honorary degree of Doctor of Laws, and

Whereas, A large proportion of the total Air Force of World War II were trained at the many fine Air Fields of Texas, and the State of Texas furnished thousands of flyers and air men, who made outstanding records during that war, and

Whereas, The people of Texas are air-minded and have always shown a sincere interest in the development in both military and civilian air training, and would have this interest stimulated by a report from the Secretary of the Air Force on the progress now being made in aviation, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Honorable Stuart Symington, Secretary of the Air Force, be and is hereby invited to address the joint session of the Senate and the House in the House Chambers at 11:00 o'clock Thursday morning, February 2, 1950.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Committee to Escort Governor

Pursuant to the provisions of S. C.

R. No. 1, the President pro tempore appointed the following committee on the part of the Senate to escort the Governor to the joint session and the Speaker's rostrum:

Senators Morris, Vick, Harris, Shofner and Bell.

#### House Concurrent Resolution 1

The President pro tempore laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 1, Providing for a joint session to hear the message of the Governor.

The resolution was read and was adopted.

#### House Concurrent Resolution 2

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 2, Providing for mileage and per diem of Members of the Legislature.

The resolution was read and was adopted.

#### House Concurrent Resolution 3

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 3, Relating to parking space on Capitol grounds for Members of the Legislature.

The resolution was read and was adopted.

#### At Ease

On motion of Senator Harris, and by unanimous consent, the Senate at 11:50 o'clock a.m. agreed to stand at ease until 12:00 o'clock m. today.

#### Joint Session

At 12:00 o'clock m., the President pro tempore called the Senate to order and announced that the hour provided for in S. C. R. No. 1 for a joint session of the Senate and House of Representatives to hear a message by the Governor had arrived, and he requested all Senators present to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the bar of the House, and the Senators

were admitted and escorted to seats prepared for them along the aisle.

The President pro tempore of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.

President Pro Tempore Hazlewood called the Senate to order and announced a quorum present.

Speaker Manford announced the purpose of the joint session and called the House to order.

A quorum of the House was announced present.

Honorable Allan Shivers was announced at the bar of the House and was admitted and escorted to the Speaker's stand by Senators Harris, Morris, Bell, Vick and Shofner on the part of the Senate, and by Mrs. Henderson, Representatives Cheatham, Brooks of Jefferson, Williams of Scurry and Young on the part of the House.

At 12:05 o'clock p.m., the Speaker announced that the joint session would stand at ease until 12:14 o'clock p.m. today.

The Speaker called the joint session to order at 12:12 o'clock p.m.

The Speaker then presented Governor Shivers to the joint session.

Governor Shivers delivered the following address:

Mr. Speaker, Mr. President of the Senate, Ladies and Gentlemen of the 51st Legislature:

I appreciate this opportunity to come before you and tell you officially why I have called this Special Session.

Actually, no one is in the dark as to why it is necessary for the Legislature to meet. An emergency exists. There is no money with which to pay for food, clothing and care for the unfortunate people in our state institutions during the coming year.

None of us likes special sessions, nor do we like to talk of treasury deficits and tax measures. But when the only alternative is to close our state hospitals and turn out the helpless insane, the needy seniles, the epileptics and the feeble-minded to fend for themselves—then no choice actually exists.

The laws of both God and man re-

quire us to meet this problem courageously and solve it adequately and quickly.

Requests have been submitted by the Boards you created for our state hospitals, special schools and correctional institutions, asking for operating funds for the fiscal year 1950-51. No appropriation exists for this period.

I commend these requests to your attention, for your earnest consideration. I hope that you will examine them carefully and sympathetically, satisfying yourselves that these are sound and reasonable estimates, and that the State is going to get a dollar's value for each dollar spent.

These hospitals are pitifully inadequate. We need more hospital space, yes; but we also need more nurses and more doctors. We need modern treatment to give these unfortunates an opportunity to get well and to return to society as healthy, useful citizens.

We have 24,000 people crowded into space that properly should house only 14,000. I do not know how many of these unfortunate people are being held in jails or elsewhere, awaiting the time when a cubicle of space may be open for them in a state hospital.

For an example of the personnel problem, look no farther than the Austin State Hospital, a mere stone's throw from the Capitol. It has 10 doctors and four registered nurses for 3,200 mental patients.

The situation is equally grave in the tuberculosis hospitals. There is not a single doctor in the entire system capable of doing lung surgery. We are doing little for the victims of this dread disease except giving them a place to live—or, too often, to die.

During the last several months I have inspected most of these hospitals. I have seen, with my own eyes, mattresses spread side by side on hall floors and beds set upon open porches in wintertime, so that patients might have some place to sleep. I have seen 26 beds jammed into a wardroom built for 15. I have seen epileptics eating in bathrooms for lack of dining space. I saw 77 aged and mentally ill women locked up in a condemned building. I saw 400 mentally defective children and 800 seniles housed in prisoner of war shacks constructed mostly of plywood and tar-paper. I found only one mental hospital where patients might achieve some peace of

troubled mind by attending church services.

I saw dilapidated, non-fireproof buildings without fire escapes, with hundreds of mentally ill persons locked in them—and I shuddered when I picked up a newspaper and saw the headlines: "40 Mental Patients Die in Hospital Fire."

That happened in Iowa. It can happen here.

I inspected ancient buildings, three and four stories high, with stone stairways that epileptic patients must travel without assistance. Many patients have died on those stairs.

I could go on. The picture varies from place to place, but everywhere there is evidence that we are now reaping the bitter fruits of a long era of neglect.

To us has fallen the duty—it might indeed be called a privilege—of making a start toward better treatment and greater hope for our unfortunate insane, the senile, the epileptic, the blind, the deaf, the mentally deficient and the victims of tuberculosis.

These diseases and afflictions are no respecters of persons. They may strike your neighbor's family—they might even strike your family, or mine. If that did happen, you could not, under present conditions, expect treatment leading to a cure.

That is why we are here today—to provide care and treatment for these unfortunates—better care and treatment.

Governor Jester vetoed the hospital appropriation for next year because no money was available. Since then, unfortunately, the situation has grown worse. Oil allowables have been cut again and again. Because of these cuts in oil production during the last year, expected revenues have decreased \$48,000,000. The State Comptroller now tells us that there will be a deficit of \$26,000,000 by August 31, 1951.

Thus we face not simply the problem of appropriating funds for necessary operations and improvements of our state hospitals, but also the job of providing these funds.

Under our Constitution, any reduction in current operating costs will be credited against this deficit. This means that ordinarily logical and certainly desirable reductions in current expenditures would help the deficit but would not help the hospitals. It means, simply, that we either will have to seek new revenue for the

state hospitals or add another \$26,000,000 to the anticipated deficit.

It is a blunt mathematical fact that if we closed every state department for a full year, we would still be \$11,000,000 short—without a penny for the hospital program.

If we closed every state university and college for a full year, the money saved would do little more than make up the deficit. We would still not have the money to take care of the needs of the state hospitals.

I served in the Legislature for a good many years. I believed then that when a Governor came before the Legislature with a problem, he should also stand ready to help find an answer. I still feel the same way.

Having called this emergency session, I think I ought to have the courage to share with you the responsibility for resolving the emergency.

Therefore, I earnestly recommend to you the following program:

1. That you give immediate and sympathetic consideration to these requests for funds to operate our state hospitals, special schools and correctional institutions and to start the building program, making adequate appropriations for these purposes; and that you finance these appropriations by levying a special additional tax upon the broad base that now provides revenues for the so-called omnibus tax fund. The tax to raise the operating funds should be a temporary tax expiring with the emergency. This would mean an additional levy upon such items as oil and gas, sulphur and whiskey, beer and wine, cosmetics and playing cards, automobiles and cigarettes, carbon black, radios and cement, insurance companies, telephone companies and utilities.

2. That you give the same urgent consideration to the Board's recommendation for a long-range building program.

3. That the income from these special levies be placed in a special fund or funds, to be used for the sole and exclusive purpose of financing these necessary programs.

The tax proposed is a broad-based tax which spreads as widely and as fairly as possible the common burden of our common problem and common duty. Obviously I think it is the most practical and desirable plan under the circumstances or I would not recommend it to you. Frankly, I can

think of no other cause or purpose for which I would suggest the levying of additional taxes at this time.

I have given you my idea. I welcome yours. Let's work together with wholehearted application to the problem.

I have been asked to submit many other subjects for your consideration, some of them most worthy. I think you will agree with me, however, that the proper and businesslike approach and procedure is to give complete priority to the state hospital problem until it is disposed of.

Quick action on this emergency matter will have another desirable effect—it will leave us time, perhaps, to re-examine our financial commitments and effect any economies that the Legislature, in its wisdom, might deem necessary and possible. Our first duty is to those who are under our care and on our conscience. When that duty has been discharged, we can and should consider every reasonable possibility of achieving economy. I want to stress again that such savings will decrease the General Fund deficit but, because of that deficit, can hardly be expected to benefit the hospital program.

Time is precious. This is a 30-day session, and the people of Texas will rightfully expect us to take appropriate final action within that period.

To fail to do so would mean turning our backs on those less fortunate citizens in crowded mental hospitals, on children who are physically or mentally handicapped and need a helping hand, on thousands of fellow Texans dying of tuberculosis.

Texas, the proud Lone Star State—first in oil—48th in mental hospitals.

First in cotton—worst in tuberculosis.

First in raising goats—last in caring for its state wards.

These things are unthinkable. Texas can do this job.

I do not want to intrude upon your legislative functions, but I do want to be helpful if I can. Call on me any hour of the day or night. Let's work together for the good of those who cannot come here to speak for themselves—for the greater good of all Texans—and to the greater glory of Him who said:

"Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

Thank you.

At the conclusion of the address the President pro tempore announced the purpose of the joint session concluded and requested the Senate to retire to its Chamber.

**In the Senate**

The President pro tempore called the Senate to order at 12:40 o'clock p.m.

**Recess**

On motion of Senator Moffett, the Senate at 12:40 o'clock p.m., took recess until 11:00 o'clock a.m. tomorrow.

**SECOND DAY**

(Continued)

Thursday, February 2, 1950

**After Recess**

The Senate met at 11:00 o'clock a.m. and was called to order by the President pro tempore.

**Leaves of Absence Granted**

Senator Carney was granted leave of absence for today on account of an illness in the family on motion of Senator Colson.

Senators Bullock, Morris, Shofner and Weinert were granted leave of absence for today on account of important business on motion of Senator Proffer.

**Announcement**

Senator Aikin announced that Honorable Stuart Symington, Secretary of the Air Force, who was invited by the concurrent action of the House and Senate to address a joint session of the Legislature at 11:00 o'clock a.m. today, would be unable to accept the invitation due to weather conditions.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
February 2, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 3, Providing for a joint

session of the Senate and the House of Representatives on Thursday, February 2, 1950, for the purpose of hearing an address by the Hon. Stuart Symington, Secretary of the Air Force.

H. C. R. No. 5, Suggesting to the President of the United States that he request the resignation of the Secretary of State.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

**Resolutions Signed**

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following resolutions:

S. C. R. No. 1, Providing for a joint session to hear the message of the Governor.

H. C. R. No. 2, Providing mileage and per diem for Members of the Legislature.

H. C. R. No. 3, Providing for parking space for Members of the Legislature.

H. C. R. No. 1, Providing for a joint session to hear the message from the Governor.

**Motion to Introduce Bill**

Senator Kelly of Tarrant moved to suspend the rule designating the period of the Legislative day in which bills may be introduced in order that he might introduce a bill.

The motion was lost by the following vote:

Yeas—3

Bracewell  
Cousins

Kelly of Tarrant

Nays—22

Akin  
Ashley  
Bell  
Colson  
Corbin  
Hardeman  
Harris  
Hazlewood  
Hudson  
Jones  
Kelley of Hidalgo

Lane  
Martin  
McDonald  
Moffett  
Moore  
Nokes  
Phillips  
Proffer  
Strauss  
Tynan  
Vick